

# **Exhibit 23**

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **ORAL EXAMINATION OF PHILIP SERAFINI**

13 **APPEARING REMOTELY FROM**

14 **ERIE COUNTY, NEW YORK**

15 Monday, December 27, 2021

16 9:03 a.m. - 5:15 p.m.

17 pursuant to notice

18  
19 **PAGES 324 & 325 DESIGNATED CONFIDENTIAL**

20  
21 REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

R E M O T E   A P P E A R A N C E S

APPEARING FOR THE PLAINTIFFS:

**CENTER FOR CONSTITUTIONAL RIGHTS**

**BY: A. CHINYERE EZIE, ESQ.**

666 Broadway, 7th Floor

New York, New York 10012

(212) 614-6464

APPEARING FOR THE DEFENDANTS:

**CITY OF BUFFALO LAW DEPARTMENT**

**BY: ROBERT E. QUINN,**

**ASSISTANT CORPORATION COUNSEL**

1100 City Hall

65 Niagara Square

Buffalo, New York 14202

(716) 851-4326

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202

716-853-5544

PHILIP SERAFINI - BY MS. EZIE - 12/27/21

1 Q. What is the Mobile Response Unit?

2 A. What was it; is that what you asked?

3 Q. Yes.

4 A. We patrolled certain areas of the city and we  
5 conducted traffic safety checkpoints, and we  
6 assisted on search warrants.

7 Q. Does the Mobile Response Unit -- is it fair to  
8 describe it as a predecessor unit to the  
9 Strike Force?

10 MR. QUINN: Form.

11 A. I don't think so. I wouldn't say that.

12 Q. Okay. Did they perform similar duties in the  
13 city of Buffalo?

14 A. Similar duties to the Strike Force; is that  
15 what you're asking?

16 Q. Yes.

17 A. As far as the traffic safety checkpoints, yes.

18 Q. And so how long were you captain of the Mobile  
19 Response Unit?

20 A. I believing it was two years, two or three  
21 years.

22 Q. Okay. And tell me about the Mobile Response  
23 Unit's traffic safety checkpoints. Where were

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1           they operated?

2                   MR. QUINN:   Form.

3           A. They were operated in different parts of the  
4           city.

5           Q. Did any area predominate?

6           A. They had -- they had certain areas they called  
7           them beats. It was actually throughout the  
8           city. We didn't keep -- I didn't keep track  
9           of where exactly they were each day but this  
10          came down from my superiors, where they were  
11          going to be conducted, where they would take  
12          place.

13          Q. Which superiors are you referencing?

14          A. Deputy Commissioner Danny Derenda.

15          Q. Okay. So Danny -- Daniel Derenda would  
16          instruct you on where to operate the  
17          checkpoints?

18          A. Yes.

19          Q. And the Mobile Response Unit checkpoints, did  
20          those take place on approximately a daily  
21          basis?

22          A. Yes.

23          Q. Did you -- you mentioned that you didn't

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1 District?

2 A. Yes.

3 Q. Okay. Now, what was the next role that you  
4 held after A District captain?

5 A. I transferred to the Housing Unit. I was the  
6 Housing Unit captain.

7 Q. That was a transfer that you made effective  
8 June 2015?

9 A. Approximately, yes.

10 Q. Okay. At that point, did you accept a second  
11 position as Strike Force captain or did that  
12 happen at a later date?

13 A. No, I was never the Strike Force captain.

14 Q. You were never the Strike Force captain?

15 A. No.

16 Q. There was never a period where you  
17 simultaneously held the designations of Strike  
18 Force and Housing Unit captain?

19 A. Oh, I was the Housing captain. If I could  
20 elaborate, we were housed in the same building  
21 as the Strike Force. I was asked to perform  
22 some administrative duties for the Strike  
23 Force occasionally.

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1 Q. And why was that important?

2 A. The Buffalo -- the BMHA wanted more police  
3 presence. When I say patrol, when I say the  
4 officers patrolled the housing properties,  
5 that was for more visibility in an effort to  
6 deter crime.

7 Q. What steps or strategies did the Housing Unit  
8 take to be highly visible?

9 MR. QUINN: Form.

10 A. They were in marked police cars and they drove  
11 through the housing properties, occasionally  
12 stopping, talking to residents and also  
13 attended community meetings within the housing  
14 projects -- housing properties.

15 Q. And is it accurate that within BMHA the  
16 Housing Unit concentrated its activities on a  
17 few main developments?

18 MR. QUINN: Form.

19 A. They were in charge -- or they patrolled all  
20 of the Housing properties. Some Housing  
21 properties demanded more attention, they're  
22 larger than others, some were small so it  
23 varied.

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1 A. Yes.

2 Q. What are some examples of units that don't  
3 have captains as part of their structure?

4 A. The Sex Offense Squad as it was called then.

5 Q. Okay.

6 A. There are other units, if you can give me a  
7 moment to think. The Underwater Recovery  
8 Team. Traffic had a captain sometimes and  
9 sometimes it didn't, the Traffic Division.

10 Q. Were there -- is there an extent to which you  
11 were viewed as kind of a de facto leader of  
12 the Strike Force by virtue of your role in the  
13 Housing Unit?

14 MR. QUINN: Form.

15 A. No. As I said, I performed their  
16 administrative functions because there was no  
17 captain there, as far as signing papers. And  
18 occasionally the deputy commissioner or the  
19 commissioner would ask me to do something  
20 related to the Strike Force --

21 Q. And when you --

22 A. -- because I was in the building.

23 Q. Okay. Can you give an example?

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1       A. One time a chief in another district, either A  
2       District or D District, wanted traffic safety  
3       checkpoints there so the deputy commissioner  
4       or the commissioner would ask me if I could  
5       tell the Strike Force lieutenants to set up a  
6       traffic safety checkpoint in their districts.  
7       Other times, when there was a serious homicide  
8       or some violence going on in one of the other  
9       districts, same thing, the deputy commissioner  
10      or the commissioner would ask me to tell the  
11      lieutenants to have their cars patrol  
12      predominantly in those areas where the high  
13      crime or the murders occurred.

14      Q. And so those are instructions you would  
15      receive from other people in BPD leadership?

16      A. People in my chain of command. Sometimes our  
17      chief also would recommend places, Chief  
18      Brinkworth specifically.

19      Q. Okay. And places for daily checkpoints?

20               MR. QUINN: Form.

21      A. For daily checkpoints and sometimes for  
22      patrols.

23      Q. Okay. I'd like to turn to another exhibit.

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1 Q. Did you take any steps to ensure that your  
2 officers and lieutenants were not engaging in  
3 racial profiling?

4 MR. QUINN: Form.

5 A. No.

6 Q. Okay. Now, am I correct that the Housing Unit  
7 also had an involvement in traffic  
8 checkpoints?

9 A. Sometimes they would conduct traffic safety  
10 checkpoints in or around the Buffalo Municipal  
11 Housing properties.

12 Q. Okay. How often was that the Housing Unit's  
13 practice?

14 A. It was rare.

15 Q. In instances where the Housing Unit did  
16 conduct checkpoints around BMHA properties,  
17 what was the reasoning?

18 MR. QUINN: Form.

19 A. To enforce vehicle and traffic law and penal  
20 law.

21 Q. Since it was rare, what, if anything, would  
22 warrant the creation of a checkpoint to your  
23 understanding?

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1 MR. QUINN: Form.

2 A. If we -- if we received a complaint that cars  
3 were speeding through Buffalo Municipal  
4 Housing property, we would conduct a traffic  
5 safety checkpoint to try to curtail that  
6 activity.

7 Q. Are there any other instances you can think of  
8 where -- any other reasons why the Housing  
9 Unit in particular engaged in checkpoints?

10 A. Well, as I said, just in response to  
11 complaints we received from the Housing  
12 residents.

13 Q. Okay. That's different than the Strike Force  
14 checkpoints, correct? Those were not  
15 complaint driven?

16 MR. QUINN: Form.

17 A. No, those -- those the Strike Force conducted  
18 them on a daily basis.

19 Q. Okay. And am I correct that Housing Unit  
20 officers would sometimes assist the Strike  
21 Force in conducting those checkpoints?

22 A. Sometimes.

23 Q. What was the circumstance where the Housing

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1 2013, 2014, and 2015 yearly totals?

2 A. That's correct.

3 Q. And do you see that your email states that  
4 "our stats have increased from year to year  
5 due to the fine work of you and your officers.  
6 The chief and I thank you for all of your  
7 efforts"?

8 A. Yes, I see it.

9 Q. Okay. So you're applauding the lieutenants  
10 for the fact that their statistics have  
11 increased year after year?

12 MR. QUINN: Form.

13 A. Yes.

14 Q. Okay. This is the attachment which we're also  
15 marking as part of Exhibit 27. Do you see  
16 the -- sorry, are you able to see these  
17 numbers clearly?

18 A. Yes, I can.

19 Q. Is fair to say according to this chart between  
20 2013 and 2015 many of the statistics almost  
21 doubled, at least with respects to arrests,  
22 summonses, city ordinances, that's probably  
23 closer to tripled, parking tags, guns, cash

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1 seized? Do you see that?

2 A. Yes.

3 Q. So why were you applauding them for these  
4 increased statistics?

5 MR. QUINN: Form.

6 A. Well, I told them they were doing a good job.  
7 The statistics were increasing and, again,  
8 it's one measure of the work the officers are  
9 doing.

10 Q. So when statistics increased, statistics such  
11 as these increased, you viewed it as evidence  
12 of a job well done?

13 MR. QUINN: Form.

14 A. Partially, yes.

15 Q. Okay. I'd like to turn to an exhibit  
16 Plaintiffs' Exhibit -- sorry, Serafini Exhibit  
17 28 which is a document that was produced in  
18 discovery by defendants as COB018565.

19 So do you see that this is an email that  
20 you drafted to Chief Young copying the Strike  
21 Force and Housing Unit officers in March 2017?

22 A. Yes, I do.

23 Q. Okay. And why don't you take a moment to

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1 of the vehicles on days. That was under his  
2 purview so that's why I forwarded it to him.

3 Q. Got it. Now, isn't it -- is it true that  
4 through issuing summonses and impounds the  
5 officers you worked for did generate  
6 increasing revenue for the City and, for  
7 instance, the bureau of parking?

8 MR. QUINN: Form.

9 A. That's correct, yes.

10 Q. Okay. Do you know how that increased revenue  
11 was used?

12 MR. QUINN: Form.

13 A. I have no idea.

14 Q. Do you know whether the increases to your  
15 production helped make the case for overtime  
16 for Strike Force officers?

17 MR. QUINN: Form.

18 A. I don't know specifically, no.

19 Q. Do you consider -- did you consider overtime  
20 to be a reward for good work performed by your  
21 officers?

22 MR. QUINN: Form.

23 A. Did I consider it to be a reward? No.

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE )

3  
4 I, Carrie A. Fisher, Notary Public, in and  
5 for the County of Erie, State of New York, do  
6 hereby certify:

7 That the witness whose testimony appears  
8 hereinbefore was, before the commencement of  
9 their testimony, duly sworn to testify the  
10 truth, the whole truth and nothing but the  
11 truth; that said testimony was taken remotely  
12 pursuant to notice at the time and place as  
13 herein set forth; that said testimony was taken  
14 down by me and thereafter transcribed into  
15 typewriting, and I hereby certify the foregoing  
16 testimony is a full, true and correct  
17 transcription of my shorthand notes so taken.

18 I further certify that I am neither counsel  
19 for nor related to any party to said action,  
20 nor in anyway interested in the outcome  
21 thereof.

22 IN WITNESS WHEREOF, I have hereunto  
23 subscribed my name and affixed my seal this  
12th day of January, 2022.

19  
20  
21  
22  
23



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Carrie A. Fisher  
Notary Public - State of New York  
No. 01FI6240227  
Qualified in Erie County  
My commission expires 5/02/23

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135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544